

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZIMMER BIOMET HOLDINGS, INC.,
Petitioner,

v.

FOUR MILE BAY, LLC,
Patent Owner.

Case IPR2016-00012
Patent 8,821,582
Issue Date: September 2, 2014
Title: HIP IMPLANT WITH POROUS BODY

Before, JOSIAH C. COCKS, RICHARD E. RICE, and MICHAEL L. WOODS, *Administrative Patent Judges*

**PATENT OWNER FOUR MILE BAYS'
NOTICE OF APPEAL TO THE COURT OF APPEALS FOR THE
FEDERAL CIRCUIT**

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Four Mile Bay, LLC (“FMB”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on March 10, 2017 (Paper 34) for IPR2016-00082 and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner FMB further indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board erred on the law of claim construction, erred in applying the law on claim construction in construing terms in the independent claims of U.S. Patent No. 8,821,582 (“the ‘582 patent”), erred in determining that the independent claims in the ‘582 patent were unpatentable under 35 U.S.C. § 103 over U.S. Patent No. 5,018,285 (“Zolman”) in view of U.S. Patent No. 3,906,550 (“Rostoker”), erred in determining that the independent claims in the ‘582 patent were unpatentable under 35 U.S.C. § 103 over Zolman in view of J.D. Bobyn, et al., *Characteristics of bone ingrowth and interface mechanics of a new porous tantalum biomaterial*, 81-B:5 JOURNAL OF BONE AND JOINT SURGERY 907 (Sept. 1999) (“Bobyn”), and erred in findings of fact and conclusions supporting or related to those issues, as well as all other issues decided adversely to Patent Owner FMB in any orders, decisions, rulings, and opinions.

Simultaneous with this filing to the Director of the United States Patent and Trademark Office, this Notice of Appeal is being filed with the Patent Trial and Appeal Board End to End System (PTAB E2E) and being filed with the Clerk of

Court for the United States Court of Appeals for the Federal Circuit along with payment of the required fee.

Respectfully submitted,

/Philip S. Lyren/

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Counsel for Patent Owner

Four Mile Bay, LLC

CERTIFICATE OF FILING

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I, Philip S. Lyren, hereby certify that on May 5, 2017, in addition to being filed electronically through the Patent Trial and Appeal Board End to End System (PTAB E2E), the foregoing *Patent Owner's Notice of Appeal* was filed via Express Mail with the Director of the United States Patent and Trademark Office to the following address:

Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FILING

Pursuant to 37 C.F.R. §§ 90.2(a)(2) and 104.2(b), I, Philip S. Lyren, hereby certify that on May 5, 2017, in addition to being filed electronically through the case management/electronic case filing system (CM/ECF) along with the payment of required fee, the foregoing *Patent Owner's Notice of Appeal* was filed via Express Mail with the Clerk of Court of the United States Court of Appeals for the Federal Circuit to the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place NW
Washington, DC 20439

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I, Philip S. Lyren, hereby certify that on May 5, 2017, the foregoing *Patent Owner's Notice of Appeal* is being served by Express Mail on Counsel for Zimmer Biomet Holdings, Inc. to the following address:

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